

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

KURT MOHRING,

Plaintiff,

v.

Case No.: 2:20-cv-912-SPC-MRM

SPEEDWAY, LLC,

Defendant.

OPINION AND ORDER¹

Before the Court is United States Magistrate Judge Mac R. McCoy's Report and Recommendation. ([Doc. 46](#)). Judge McCoy recommends granting the Second Amended Joint Motion for Approval of Settlement ([Doc. 45](#)), and approving their FLSA Settlement Agreement, Waiver, and Release ([Doc. 45-1](#)). Neither party objected, so the matter is ripe for review.

After conducting a careful and complete review of the findings and recommendations, a district judge “may accept, reject, or modify, in whole or in part,” the magistrate judge's R&R. [28 U.S.C. § 636\(b\)\(1\)\(C\)](#). In the absence of specific objections, there is no requirement that a district judge review the

¹ Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

R&R *de novo*. See [Garvey v. Vaughn](#), 993 F.2d 776, 779 n.9 (11th Cir. 1993). Instead, when parties don't object, a district court need only correct plain error as demanded by the interests of justice. See, e.g., [Symonette v. V.A. Leasing Corp.](#), 648 F. App'x 787, 790 (11th Cir. 2016); [Thomas v. Arn](#), 474 U.S. 140, 150-52 (1985). Plain error exists if (1) "an error occurred"; (2) "the error was plain"; (3) "it affected substantial rights"; and (4) "not correcting the error would seriously affect the fairness of the judicial proceedings." [Farley v. Nationwide Mut. Ins.](#), 197 F.3d 1322, 1329 (11th Cir. 1999).

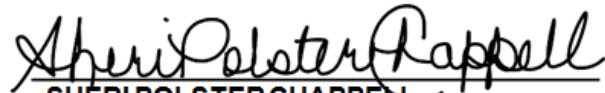
After careful consideration and an independent review of the case, the Court finds no plain error. It thus accepts and adopts the Report and Recommendation ([Doc. 46](#)) in full.

Accordingly, it is now

ORDERED:

1. The Report and Recommendation ([Doc. 46](#)) is **ACCEPTED** and **ADOPTED** and the findings incorporated herein.
2. The Second Amended Joint Motion for Approval of Settlement ([Doc. 45](#)) is **GRANTED** and the FLSA Settlement Agreement, Waiver, and Release ([Doc. 45-1](#)) is **APPROVED**.
3. This action is **DISMISSED with prejudice**.
4. The Clerk of Court is **DIRECTED** to enter judgment, terminate any pending motions or deadlines, and close the case.

DONE and **ORDERED** in Fort Myers, Florida on January 25, 2022.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record